

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

STEWART C. SMITH	:	CIVIL ACTION NO. 1:09-CV-0889
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
OFFICER JOHN HANUSKA and	:	
DAVID BIXLER	:	
	:	
Defendants	:	

ORDER

AND NOW, this 6th day of June, 2011, upon consideration of the motion for court-appointed counsel (Doc. 96) filed by plaintiff Stewart C. Smith (“Smith”), on April 1, 2011, wherein Smith asserts that he completed the eighth grade and obtained a GED, that he has difficulty comprehending legal concepts, and that he “is not in a position to fully develop a case nor argue merits or claims in a court forum,” (id.), and upon further consideration of this court’s order (Doc. 99) dated April 6, 2011, wherein the court conditionally granted Smith’s motion for counsel, but stated that if counsel could not be retained within a reasonable period of time, the conditional order for appointment of counsel would be revoked, and it appearing that as of the date of this order, no counsel has entered an appearance on behalf of Smith, and the court finding that a reasonable period of time has elapsed, and the court further finding that indigent civil litigants have no statutory right to appointed counsel, see Tabron v. Grace, 6 F.3d 147, 153 (3d Cir. 1993); see also Mallard v. United States District Court for the S. Dist. of Iowa, 490 U.S. 296 (1989)

(holding that 28 U.S.C. § 1915 does not authorize federal courts to require representation of an indigent civil litigant by an unwilling attorney), it is hereby ORDERED that:

1. The conditional order of the court (Doc. 99) dated April 6, 2011 is REVOKED.
2. Smith's motion for court-appointed counsel (Doc. 96) is DENIED.
3. Plaintiff Smith shall proceed *pro se* in the above-captioned matter.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge